

1 AN ACT in relation to mentally ill committed persons.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Unified Code of Corrections is amended by  
5 adding Article 17 to Chapter 3 as follows:

6 (730 ILCS 5/ Chapter 3, Article 17 heading new)

7 ARTICLE 17. DANGEROUS MENTALLY ILL COMMITTED PERSONS

8 (730 ILCS 5/3-17-5 new)

9 Sec. 3-17-5. Definitions. In this Article:

10 "County designated mental health professional" means a  
11 mental health professional appointed by the county to perform  
12 the duties specified in this Article.

13 "Mental disorder" means any organic, mental, or emotional  
14 impairment that has substantial adverse effects on an  
15 individual's cognitive or volitional functions.

16 "Mental health professional" means a psychiatrist,  
17 clinical psychologist, or clinical social worker as those  
18 terms are defined in the Mental Health and Developmental  
19 Disabilities Code, a registered nurse with a master's degree  
20 in psychiatric nursing who has 3 years of clinical training  
21 and experience in the evaluation and treatment of mental  
22 illness that has been acquired subsequent to any training and  
23 experience that constituted a part of the degree program, and  
24 any other mental health professionals as may be defined by  
25 rules adopted by the Director under this Article.

26 (730 ILCS 5/3-17-10 new)

27 Sec. 3-17-10. Plan for postrelease treatment and support  
28 services; rules.

29 (a) The Director shall identify committed persons who:

- 1           (1) are reasonably believed to be dangerous to
- 2           themselves or others; and
- 3           (2) have a mental disorder.

4           In determining a committed person's dangerousness, the  
5           Director shall consider behavior known to the Department and  
6           factors, based on research, that are linked to an increased  
7           risk for dangerousness of mentally ill committed persons and  
8           shall include consideration of a committed person's chemical  
9           dependency or abuse.

10          (b) Prior to release of a committed person identified  
11          under this Section, a team consisting of representatives of  
12          the Department of Corrections, the Department of Human  
13          Services specifically including representatives knowledgeable  
14          in the treatment of alcoholism and substance abuse and those  
15          knowledgeable in the treatment of developmental disabilities,  
16          the appropriate community mental health facility, and other  
17          mental health service providers, as appropriate, shall  
18          develop a plan, as determined necessary by the team, for  
19          delivery of treatment and support services to the committed  
20          person upon release. The team may include a Department of  
21          Corrections School District representative for committed  
22          persons under 21 years of age who have not obtained high  
23          school diplomas or who have not passed the high school level  
24          test of General Educational Development (GED). The team shall  
25          consult with the committed person's counsel, if any, and, as  
26          appropriate, the committed person's family and community. The  
27          team shall notify the crime victims, witnesses, and other  
28          concerned citizens required to be notified under the Rights  
29          of Crime Victims and Witnesses Act, of the proposed release  
30          plan developed by the team. Victims, witnesses, and other  
31          concerned citizens notified by the Department may provide  
32          information and comments to the Department on potential  
33          safety risks to specific individuals or classes of  
34          individuals posed by the specific committed person. The team

1 may recommend that the committed person: (i) be evaluated by  
2 the county designated mental health professional; (ii)  
3 receive Department-supervised community treatment; or (iii)  
4 receive voluntary community mental health or chemical  
5 dependency or abuse treatment.

6 (c) Prior to release of a committed person identified  
7 under this Section, the team shall determine whether or not  
8 an evaluation by a county designated mental health  
9 professional is needed. If an evaluation is recommended, the  
10 supporting documentation shall be immediately forwarded to  
11 the appropriate county designated mental health professional.  
12 The supporting documentation shall include the committed  
13 person's criminal history, history of judicially required or  
14 administratively ordered involuntary antipsychotic medication  
15 while in confinement, and any known history of involuntary  
16 civil commitment.

17 (d) If an evaluation by a county designated mental  
18 health professional is recommended by the team, the  
19 evaluation shall occur not more than 10 days, nor less than 5  
20 days, prior to release.

21 (e) A second evaluation by a county designated mental  
22 health professional shall occur on the day of release if  
23 requested by the team, based upon new information or a change  
24 in the committed person's mental condition, and if the  
25 initial evaluation did not result in an emergency admission  
26 under Article VI of Chapter III of the Mental Health and  
27 Developmental Disabilities Code.

28 (f) If the county designated mental health professional  
29 determines that an emergency admission under Article VI of  
30 Chapter III of the Mental Health and Developmental  
31 Disabilities Code is necessary, the Department shall release  
32 the committed person only to a State mental health facility  
33 or to a consenting private mental health facility. The  
34 Department shall arrange transportation of the committed

1 person to the facility.

2 (g) If the county designated mental health professional  
3 believes that a less restrictive alternative treatment is  
4 appropriate, he or she shall request that the Director file a  
5 petition with the circuit court under Section 3-8-5, or if  
6 the person is committed to the Juvenile Division, the county  
7 designated mental health professional shall request that the  
8 petition be filed by the Assistant Director of the Juvenile  
9 Division under Section 3-10-5, to require the committed  
10 person to appear at a mental health facility for evaluation  
11 and treatment. If the petition is granted by the court, the  
12 committed person shall remain within the correctional  
13 facility until completion of his or her term of confinement  
14 and be transported, by corrections personnel on the day of  
15 completion, directly to the identified mental health facility  
16 for evaluation and treatment.

17 (h) The Director shall adopt rules to implement this  
18 Section.

19 (i) This Section does not create a presumption that any  
20 person subject to the provisions of this Section is dangerous  
21 as a result of a mental disorder or chemical dependency or  
22 abuse. Every person subject to the provisions of this Section  
23 retains the amount of liberty consistent with his or her  
24 condition, behavior, and legal status, and any restraint of  
25 liberty must be done solely on the basis of forensic and  
26 clinical practices and standards.

27 (730 ILCS 5/3-17-15 new)

28 Sec. 3-17-15. Rule making; Medicaid; Director of  
29 Corrections; Secretary of Human Services. The Director of  
30 Corrections and the Secretary of Human Services shall each  
31 adopt rules and develop working agreements that will ensure  
32 that committed persons identified under subsection (a) of  
33 Section 3-17-10 will be assisted in making application for

1 Medicaid under Article V of the Illinois Public Aid Code to  
2 facilitate a decision regarding the committed person's  
3 eligibility for those entitlements prior to the end of his or  
4 her term of confinement in a correctional facility.

5 (730 ILCS 5/3-17-20 new)

6 Sec. 3-17-20. Less restrictive alternative treatment;  
7 consideration by court.

8 (a) When making a decision under this Article whether to  
9 require a less restrictive alternative treatment, the court  
10 shall consider whether it is appropriate to include or  
11 exclude time spent in confinement when determining whether  
12 the person has committed a recent overt act.

13 (b) When determining whether a committed person is a  
14 danger to himself or herself or others under this Article, a  
15 court shall give great weight to any evidence submitted to  
16 the court regarding the committed person's recent history of  
17 judicially required or administratively ordered involuntary  
18 antipsychotic medication while in confinement.

19 (730 ILCS 5/3-17-25 new)

20 Sec. 3-17-25. Dangerous mentally ill committed persons;  
21 contract for case management.

22 (a) The Director shall contract, to the extent that  
23 funds are appropriated for this purpose, for case management  
24 services and any other services that the Director deems  
25 necessary to assist committed persons identified under  
26 Section 3-17-10. The contracts may be with community mental  
27 health facilities or any other qualified and appropriate  
28 entities.

29 (b) The case manager has the authority to assist these  
30 committed persons in obtaining the services, as set forth in  
31 the plan created under subsection (b) of Section 3-17-10, for  
32 up to 5 years. The services may include coordination of

1 mental health services, assistance with unfunded medical  
2 expenses, obtaining chemical dependency treatment, housing,  
3 employment services, educational or vocational training,  
4 independent living skills, parenting education, anger  
5 management services, and such other services as the case  
6 manager deems necessary.

7 (730 ILCS 5/3-17-30 new)

8 Sec. 3-17-30. Evaluation of amendatory Act. The  
9 Department of Corrections, in conjunction with the Department  
10 of Human Services, shall conduct an evaluation of this  
11 amendatory Act of the 92nd General Assembly to determine:

12 (1) whether there is a reduction in criminal recidivism  
13 as a result of the enactment of this amendatory Act of the  
14 92nd General Assembly;

15 (2) whether the enactment of this amendatory Act of the  
16 92nd General Assembly has resulted in: (A) increased  
17 treatment of, and services to, dangerous mentally ill  
18 committed persons, including services at a Department of  
19 Corrections facility, and through other publicly funded  
20 services; (B) a reduction in repeated inpatient mental health  
21 treatment of the same committed person; and (C) reduced  
22 length of stays at State mental health facilities;

23 (3) whether the enactment of this amendatory Act of the  
24 92nd General Assembly improves delivery and effectiveness of  
25 the treatment and services, including mental health, drug or  
26 alcohol, case management, housing assistance, and other  
27 provided services;

28 (4) whether services under this amendatory Act of the  
29 92nd General Assembly should be expanded to include other  
30 classifications of committed persons, such as: juvenile  
31 offenders; felons not sentenced to a term of imprisonment;  
32 and misdemeanants. Cost estimates for expansion of each  
33 classification shall be included;

1       (5) the validity of the risk assessment tool utilized by  
2 the Department of Corrections to assess dangerousness of  
3 committed persons;

4       (6) increases in early Medicaid enrollment and  
5 associated cost savings; and

6       (7) any savings in bed spaces in the Department of  
7 Corrections facilities as a result of the enactment of this  
8 amendatory Act of the 92nd General Assembly.

9       The evaluation shall be submitted to the Governor and the  
10 General Assembly by December 1, 2005.

11       (730 ILCS 5/ 3-17-35 new)

12       Sec. 3-17-35. Rules. The Director of Corrections and  
13 the Secretary of Human Services shall, in consultation with  
14 the community mental health facilities and provider  
15 representatives, each adopt rules as necessary to implement  
16 this amendatory Act of the 92nd General Assembly.